

REMARKS

Reconsideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested. Claims 27-29, 32-41, 44-46 and 48-55 are pending in this application.

Applicant's representative would like to thank Examiner Goldman and Examiner Myhre for the courtesies extended during our telephone conversation of May 6, 2009.

I. Claim Objections

Claims 27, 33, 39, 45, 51, 53 and 55 have been amended to address minor informalities and withdrawal of the objections thereto is respectfully requested.

II. 35 U.S.C. §103 Rejections

In the Office Action, Claims 27, 28, 32-40, 44-46 and 48-55 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,155,405 to Petrovich in view of U.S. Patent No. 7,031,945 to Donner. The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

Petrovich discloses a system comprising a database 1000 including an association of unique device IDs of a plurality of portable devices 102 with the names of device owners and a communication module that transmits a message to the portable devices 102. Signs placed inside a store include dataforms, which can be scanned (see col. 17, line 38 to col. 18, line 14). Upon scanning a dataform, product information is sent to the portable device 102. In a single store application, the Petrovich system facilitates the flow of “item information” about the store’s products to the portable device 102. The item information would likely include text and graphics related to the store’s product (see col. 7, lines 7 to 9 and col. 8, lines 8 to 15) but would not include display capabilities and picture messaging protocols of mobile devices.

Donner discloses a system for admitting customers to an event by using mobile devices in communication with a data communication network. Donner notes the existence of service discovery technologies in order to address the problems associated with a multitude of devices (see col. 9, line 61 to col. 10, line 11). However, Donner does not propose any solution to this problem let alone a solution that downgrades a message based on display capabilities and picture messaging protocols of the portable device.

In contrast, Claim 27 recites, *inter alia*, a system for delivering a barcode including a message optimizer that generates an optimized message responsive to said message data and the stored display capabilities and picture messaging protocols corresponding to said mobile device type identifier, wherein said coupon comprises a barcode image and said message optimizer generates said optimized message by downgrading said message data responsive to said stored display capabilities and picture messaging protocols. As a result, the message is properly optimized for transmission to and display on the mobile device. For example, a mobile device having a very high resolution display, but poor (if any) picture messaging protocols, such as a Blackberry at the time the application was filed or an iPhone now, would have the message optimized based on *both* the display capabilities (very good, being large and having many pixels) and the picture messaging protocols (poor, for example the default iPhone currently has no multimedia message service support). The end result is delivery of barcodes that are better optimized to a wider array of mobile device display capabilities and picture message support. This results in a wider range of mobile devices successfully receiving barcodes that are well optimized for their particular capabilities, so barcodes are delivered that really take advantage of both the display capability and picture message support of all mobile devices. This is better than either (a) not supporting some devices or (b) sending barcode images reduced to fit the “lowest

common denominator” of capabilities.

Neither Petrovich nor Donner disclose or suggest, alone or in combination, in whole or in part, such a structural configuration as recited in claim 27. Accordingly, Claim 27 and each of the claims depending therefrom distinguish the subject invention from the proposed combination and withdrawal of the rejection is respectfully requested.

Turning to Claim 39, it recites, *inter alia*, a method for delivering a message to a mobile device including the steps of generating an optimized message responsive to said message data and to the stored display capabilities and picture messaging protocols corresponding to said mobile device type identifier, wherein said coupon comprises a barcode image, and said step of generating an optimized message comprises downgrading said message data responsive to said stored display capabilities and picture messaging protocols. Neither Petrovich nor Donner disclose or suggest such steps. Claim 51 for a computer-readable medium recites similar limitations. Accordingly, Claims 39, 51 and each of the claims depending therefrom distinguish the subject invention from the combination of Petrovich and Donner, and withdrawal of the rejection is respectfully requested.

In the Office Action, Claims 29 and 41 were rejected under 35 U.S.C. §103(a) over Petrovich in view of U.S. Patent No. 7,305,442 to Lundy. The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

It is respectfully submitted that Lundy does not overcome the deficiencies of Petrovich. In particular, Petrovich does not disclose a message optimizer that generates an optimized message responsive to said message data and the stored display capabilities and picture messaging protocols corresponding to said mobile device type identifier, wherein said coupon comprises a barcode image and said message optimizer generates said optimized message by

downgrading said message data responsive to said stored display capabilities and picture messaging protocols as recited by Claim 27. For brevity, Claim 39 also distinguishes over Petrovich as noted above but the argument is not repeated. Hence, Claims 29 and 41 by virtue of dependency from 27 and 39, respectively, distinguish the subject invention from the combination of Petrovich and Lundy, and withdrawal of the rejection is respectfully requested.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

Date: May 21, 2009

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